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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,107	04/24/2001	Shigeru Horiguchi	205741US6	4432

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EXAMINER

MAHONEY, CHRISTOPHER E

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/840,107

Applicant(s)

HORIGUCHI, SHIGERU

Examiner

Christopher E Mahoney

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) 1-31, 33-58, 68, 69 and 71-76 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32, 59-67 and 70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Priority*

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32, 59-60 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lange (U.S. Patent No. 3836,985) in view of Kobayashi (U.S. Patent No. 5,740,478). Lange teaches a camera comprising a substantially flat body 1 having a plane direction and a thickness direction, the substantially flat body being thinner in the thickness direction, the plane direction being substantially perpendicular to the thickness direction. Photographing means (i.e. shutter, lenses) accommodated in the flat body are provided for performing photographing operations. The applicant is directed to review figure 1. While Lange teaches a release button 12, it does not teach a plurality of release buttons. Kobayashi teaches in figure 1 that it was known to provide a plurality of release buttons 3, 4 on a camera depending on how the camera is held. One release button is on top of the camera and one is on the front side. The applicant is directed to review figure 1, and col. 1, lines 55-60. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features as taught by Kobayashi for the purpose of improved operability by providing selected operation means depending on the holding state of

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the camera. The applicant should note that having release buttons on the top and front of the camera of Lange will result in release buttons in the plane and thickness directions.

Claims 61-62, 64, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lange (U.S. Patent No. 3836,985) in view of Kobayashi (U.S. Patent No. 5,740,478) and further in view of Enderby (U.S. Patent No. 6,456,799). Lange in view of Kobayashi teaches the salient features of the claimed invention except for a digital recording medium. Enderby teaches that it was known to provide a camera with a digital recording medium. The applicant is directed to review the abstract for example. The reference also teaches in col. 4, lines 20-22 that it may communicate with a PC. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features as taught by Enderby for the purpose of providing a dual camera and versatility.

Claims 63, 65, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lange (U.S. Patent No. 3836,985) in view of Kobayashi (U.S. Patent No. 5,740,478) and Enderby (U.S. Patent No. 6,456,799) as applied to claims 61-62, 64, and 66 above, and further in view of Nozawa (U.S. Patent No. 6,339,508). Lange, Kobayashi and Enderby teach the salient features of the claimed invention except for wireless telephone transmission. Nozawa teaches that it was known to combine a camera and a wireless telephone. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features as taught by Nozawa for the purpose of mobile communication versatility.

*Response to Arguments*

Applicant's arguments with respect to claims 32, 59-67, and 70 have been considered but are moot in view of the new ground(s) of rejection. Lange teaches a camera comprising a substantially flat body 1 having a plane direction and a thickness direction, the substantially flat body being thinner in the thickness direction, the plane direction being substantially perpendicular to the thickness direction.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

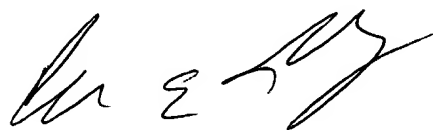
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E Mahoney whose telephone number is (703) 305-3475. The examiner can normally be reached on 8:30AM-5PM, Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703) 308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read 'Christopher E Mahoney', is written above the printed name.

Christopher E Mahoney  
Primary Examiner  
Art Unit 2851

CM  
June 2, 2003